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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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9 UNITED STATES OF AMERICA,

No. CR 08-0730 WHA

10 Plaintiff,

11 v.

**ORDER RE GOVERNMENT'S *EX*
PARTE SUBMISSION CONCERNING
HENTHORN COMPLIANCE**

12 MAURICIO URIAS, JUDITH SOSA,
13 and JOHN LACSAMANA BRIEZ

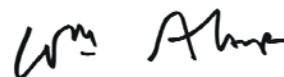
14 Defendants.
_____ /

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16 Based on the information provided in the government's *ex parte* submission concerning
17 *Henthorn* compliance, the Court agrees with the government that it need not produce the
18 portions of the testifying agents' personnel files at issue because they do not contain material
19 information favorable to the defense pursuant to *United States v. Henthorn*, 931 F.2d 29 (9th
20 Cir. 1991). In so ruling, the Court is relying on the government to have disclosed to it all
21 circumstances that were material to evaluate each issue. For example, with respect to one
22 agent's pre-employment arrest for public intoxication, if the government has information that
23 the circumstances were more serious than were "reported by" the agent, that information should
24 have been provided to the undersigned. No such information having been provided and trusting
25 the government to have complied with its obligations, the Court is satisfied that nothing in the
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portions of the testifying agents' personnel files that were submitted for *in camera* review meets the standards for disclosure under *Henthorn*.

IT IS SO ORDERED.

Dated: January 13, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE